

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PAULINO DE LA CRUZ *and* JUVENTINO RAMOS,

Plaintiffs,

v.

TREJO LIQUORS, INC. d/b/a TREJO LIQUORS AND
WINES *and* JOHANNY TREJO

Defendants.

No. 16-cv-4382 (VSB)

NOTICE OF MOTION TO DISMISS

Defendants, by and through counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves this Court for an order dismissing Plaintiff's First Amended Complaint for failure to state a claim upon which relief may be granted. In support of their motion, Defendants refers this Court to their Memorandum of Law in Support, filed simultaneously herewith.

WHEREFORE, for the reasons stated in the accompanying memorandum of law in support of this motion, Defendants respectfully requests that this Court (1) grant their motion to dismiss; (2) dismiss the First Amended Complaint in its entirety with prejudice; and (3) award any other relief that this Court deems just and proper.

Dated: New York, New York
September 7, 2016

/s/ Argilio Rodriguez
By: Argilio Rodriguez, Esq.
Rodriguez Law, P.C.
Empire State Building
350 Fifth Avenue, Suite 5909
New York, NY 10118
(212) 960-3305
argilio@lawrodriguez.com

Attorney for Defendants

To: Walker G. Harman, Jr.
Edgar M. Rivera
The Harman Firm, LLP
220 Fifth Avenue, Suite 900
New York, NY 10001
(212) 425-2600
wharman@theharmanfirm.com

Attorneys for Plaintiffs

CERTIFICATION OF SERVICE

I, Argilio Rodriguez, hereby certify that on September 6, 2016, I caused a copy of the attached Notice of Motion to Dismiss plaintiffs' First Amended Complaint and the Memorandum of Law in Support of Defendants' Motion to Dismiss to be served: (i) electronically on all counsel registered for electronic service in this action; and (ii) by email to opposing counsel.

Dated: New York, New York
September 6, 2016

/s/Argilio Rodriguez
Argilio Rodriguez, Esq.